IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL MISC.NO.18738 M OF 2007

DATE OF DECISION: APRIL 30, 2007

Arun Kumar

.....Petitioner

VERSUS

State Union Territory and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. **Whether Reporters of local papers may be allowed to see the judgement?**
2. **To be referred to the Reporters or not?**
3. **Whether the judgment should be reported in the Digest?**

PRESENT: Mr. J. V. Yadav, Advocate,
for the petitioner.

Mr. Rajiv Sharma, Advocate,
for respondent No.1.

Mr. D. C. Mittal, Advocate,
for respondent No.2.

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RANJIT SINGH, J. (ORAL)

The petitioner, who was married to respondent No.2 on 28.2.2000 and is accused of offence under Sections 406, 498A IPC registered vide FIR No.9 dated 10.1.2004, at Police Station Manimajra, U.T., Chandigarh, has filed this petition for quashing of said FIR on the basis of compromise.

The petitioner pleads that he and his wife (respondent No.2) have not succeeded in making their marriage work. Though they stayed together till 31.3.2003 but there is no issue out of this marriage. As usually happens,

differences led to filing of the complaint by respondent No.2 with the police, on the basis of which the above-noted FIR was registered. A petition under Section 125 Cr.P.C., was also filed which is pending before Judicial Magistrate Ist Class, Chandigarh. During the pendency of the proceedings, the parties have compromised and have decided to withdraw the cases filed against each other. Copy of the compromise deed dated 9.2.2007 is placed on record as Annexure P-2. As per the compromise, the petitioner is to pay a sum of Rs.1,90,000/- to respondent No.2, out of which Rs.1,00,000/-, has already been paid at the time of filing of joint petition for dissolution of marriage by mutual consent. Remaining amount is to be paid at the time of passing of decree of divorce by the competent Court. This amount is to satisfy all the claims of respondent No.2, including the value of dowry articles, permanent alimony and the wife have agreed to relinquish all claims in respect of movable and immovable property of the petitioner and his parents. Respondent No.2 has also agreed to withdraw the petition filed under Section 125 Cr.P.C. and not to pursue the prosecution in the impugned FIR. It is disclosed in the petition that the parties have already filed a petition for dissolution of marriage before the District Judge, Chandigarh by way of mutual consent as agreed. The case is now fixed for 13.8.2007 for passing of final order.

Notice of this petition was issued to respondent No.2. A short reply by way of affidavit is filed on behalf of respondent No.2. It is conceded in the reply-affidavit that the dispute between the parties has been amicably settled and the compromise deed dated 9.2.2007 (Annexure P-2) is admitted. It is conceded that out of the agreed

amount Rs.1,90,000/- required to be paid, a sum of Rs.1,00,000/- stands paid. In terms of the agreement, the jewellery and other dowry articles recovered by the police and stated to be lying in its possession, are to be released to respondent No.2. The counsel appearing for Union Territory, on receiving instructions from Sub Inspector Harjit Kaur (Investigating Officer), who is present in Court, submits that the police would hand over the jewellery as well as dowry articles recovered from the petitioner to respondent No.2.

Since the parties have agreed to dissolve the marriage to live separately, it would be futile to allow the present proceedings to continue. Even otherwise in view of the Full Bench decision of this Court reported as Dharambir Vs. State of Haryana, 2005 (3) RCR (Criminal) 426 and the law laid down by the Hon'ble Supreme Court in the case of B.S.Joshi Vs. State of Haryana, (2003) 4 SCC 675, the criminal proceedings arising out of matrimonial dispute can be ordered to be quashed by way of compromise. No useful purpose will be served in allowing these proceedings to continue.

This petition is as such allowed and FIR No.9 dated 10.1.2004 under Sections 406, 498A IPC registered at Police Station Manimajra, U.T., Chandigarh, and the subsequent proceedings arising therefrom are ordered to be quashed. There shall be no order as to costs.

April 30, 2007 **(RANJIT SINGH)**
khurmi **JUDGE**